

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SPRUCE STREET PROPERTIES, LTD.,	:	
DAVID W. BISHOFF, E.V. BISHOFF	:	
COMPANY AND DUQUESNE GENERAL:	:	
PARTNERSHIP,	:	
	:	
Plaintiffs,	:	NO. 2:24-cv-00544
	:	
v.	:	
	:	
CARLYLE CONDOMINIUM	:	
ASSOCIATION; DAVID M. BELCZYK,	:	
ESQUIRE; DAVID I. KELCH, ESQUIRE;	:	
DAVID WOLF, ESQUIRE; SCOTT HARE,	:	
ESQUIRE; NICHOLAS MILLER,	:	
ESQUIRE; AND	:	
GEORGE R. FARNETH, II, ESQUIRE,	:	
	:	
Defendants.	:	

**MOTION TO DISMISS BY
DEFENDANTS DAVID M. BELCZYK, DAVID I. KELCH, AND DANIEL WOLFE**

Defendants, David M. Belczyk, Esquire, David I. Kelch, Esquire, and Daniel Wolfe, Esquire, improperly named as David Wolf (collectively “**Moving Defendants**”), file this Rule 12(b)(6) Motion to Dismiss.

1. Spruce Street Properties, Ltd., David W. Bishoff, E.V. Bishoff, Company, and Duquesne General Partnership (collectively, “**Plaintiffs**”), filed their Complaint on April 11, 2024 alleging claims for abuse of process and wrongful use of civil proceedings. (See ECF Document 2).

2. For the reasons more fully set forth in the accompanying Brief, incorporated herein by reference, Plaintiffs’ claim for wrongful use of civil proceedings (Count II) should be dismissed, with prejudice, for failure to state a claim upon which relief can be granted.

WHEREFORE, Moving Defendants respectfully request that this Honorable Court grant their Motion to Dismiss and dismiss Count II of the Plaintiffs’ Complaint, with prejudice.

Respectfully submitted,

By: /s/ Scott R. Eberle
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CERTIFICATE OF SERVICE

Counsel for all parties were served copies of this filing via the ECF system.

MARSHALL DENNEHEY

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